

THURSDAY, MARCH 17, 2011

SIXTEENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and pursuant to Senate Rule of Order 3, was called to order by Madam Speaker Pro Tempore Woodson.

PRAYER

The proceedings were opened with prayer by Dr. Jeff Collins of Calvary Christian Church in Cookeville, Tennessee, a guest of Senator Burks.

PLEDGE OF ALLEGIANCE

Senator Burks led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--31.

COMMUNICATIONS

March 16, 2011

Lt. Governor Ron Ramsey
One Legislative Plaza
Nashville, TN 37243

Dear Speaker Ramsey:

I respectfully request to be excused from the Senate Session tomorrow, Thursday, March 17, in order to attend meetings in West Tennessee with the Governor regarding economic development projects affecting my district. Thank you for your consideration of this request.

Sincerely,

/s/ Senator Mark Norris

APPROVED: Lieutenant Governor
Ron Ramsey

March 17, 2011

Mr. Russell Humphrey
Chief Clerk of the Senate
2nd Floor, Capitol
Nashville, TN 37243

Dear Mr. Humphrey:

I will be unable to attend the Senate Session on Thursday, March 17, 2011. Please excuse my absence and record this letter in the Senate Journal.

Sincerely,

/s/ Ron Ramsey

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 24, 58, 66, 135, 268, 410 and 453.

MCNALLY, Chairperson
March 15, 2011

The Speaker announced that he had referred Senate Bills Nos. 24, 58, 66, 135, 268, 410 and 453 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 638, 725, 739, 750, 773, 828, 935, 1030, 1225 with amendment, 1227, 1509 and 1874; also, recommend that Senate Bill No. 1710 be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson
March 15, 2011

The Speaker announced that he had referred Senate Bills Nos. 638, 725, 739, 750, 773, 828, 935, 1030, 1225 with amendment, 1227, 1509 and 1874 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1710 to the Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 598 with amendment.

JOHNSON, Chairperson
March 15, 2011

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The Speaker announced that he had referred Senate Bill No. 598 with amendment to the Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 856, 861 with amendment and 1532; also, recommend that Senate Bills Nos. 343, 509 with amendment, 710 and 775 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
March 15, 2011

The Speaker announced that he had referred Senate Bills Nos. 856, 861 with amendment and 1532 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 343, 509 with amendment, 710 and 775 to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1880; also, recommend that Senate Bill No. 1153 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
March 16, 2011

The Speaker announced that he had referred Senate Bill No. 1880 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1153 with amendment to the Committee on Finance, Ways and Means.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 83, 379 with amendment, 505 with amendment, 538, 628 and 850 with amendment; also, recommend that Senate Bills Nos. 326 with amendment and 1284 be referred to Committee on Finance, Ways and Means.

CROWE, Chairperson
March 16, 2011

The Speaker announced that he had referred Senate Bills Nos. 83, 379 with amendment, 505 with amendment, 538, 628 and 850 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 326 with amendment and 1284 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 369, 407, 408, 549, 684, 761, 842, 878, 999, 1001, 1050 with amendment, 1497 and 1531 with amendment; also, recommend that Senate Bills Nos. 31 with amendment, 39, 944 and 1083 with amendment be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson
March 16, 2011

The Speaker announced that he had referred Senate Bills Nos. 369, 407, 408, 549, 684, 761, 842, 878, 999, 1001, 1050 with amendment, 1497 and 1531 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 31 with amendment, 39, 944 and 1083 with amendment to the Committee on Finance, Ways and Means.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 829 with amendment and 1192 with amendment.

SOUTHERLAND, Chairperson
March 16, 2011

The Speaker announced that he had referred Senate Bills Nos. 829 with amendment and 1192 with amendment to the Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 161 with amendment and 202 with amendment.

WATSON, Chairperson
March 16, 2011

The Speaker announced that he had referred Senate Bills Nos. 161 with amendment and 202 with amendment to the Committee on Calendar.

MOTION

Senator Herron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 128**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 128 by Senator Herron.
Memorials, Sports -- Union City Middle School boys' basketball team, TSMAA West Sectional Small School Champions.

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On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 128** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

A motion to reconsider was tabled.

PRESENTATION

Senator Herron presented **Senate Joint Resolution No. 128** to Union City Middle School boys' basketball team.

MOTION

Senator Ketron moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 2087** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 2087 by Senator Herron.

Big Sandy -- As introduced, subject to local approval, increases the mayoral term from two years to four years and alters the election cycle so that city elections are held in November in 2014, 2016, and every other year thereafter.

MOTION

Senator Ketron moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bill No. 426** be passed on first consideration, which motion prevailed.

HOUSE BILL ON FIRST CONSIDERATION

The Speaker announced that the following House Bill was transmitted to the Senate and passed first consideration:

House Bill No. 426 -- Highway Signs -- As introduced, designates segment of State Route 53 in Gainesboro and Jackson County as "William Benson 'Ben' Wooten II Memorial Highway".

MOTION

Senator Ketron moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 2086** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 2086 Local bill -- held on desk.

MOTION

Senator Ketron moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 129 through 138**; and **Senate Resolutions Nos. 22 and 23** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 129 by Mr. Speaker Ramsey.
Memorials, Death -- David Christopher Steinhice.

Senate Joint Resolution No. 130 by Mr. Speaker Ramsey.
Memorials, Recognition -- Tennessee Suicide Prevention Network, 10th anniversary.

Senate Joint Resolution No. 131 by Mr. Speaker Ramsey.
Memorials, Recognition -- Eusebia Presbyterian Church, 225th anniversary.

Senate Joint Resolution No. 132 by Senator Herron.
Memorials, Recognition -- Bob W. Smith.

Senate Joint Resolution No. 133 by Senator Herron.
Memorials, Death -- Leslie Harold Levinson.

Senate Joint Resolution No. 134 by Senator Henry.
Memorials, Death -- Maxine Roberts.

Senate Joint Resolution No. 135 by Senator Burks.
Memorials, Recognition -- Tonya Hinch, Fair Park Senior Center Women's History Month honoree.

Senate Joint Resolution No. 136 by Mr. Speaker Ramsey and Senator Faulk.
Memorials, Retirement -- Greeley Wells.

Senate Joint Resolution No. 137 by Senator Faulk.
Memorials, Recognition -- Barbara McAndrew.

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Senate Joint Resolution No. 138 by Senator Barnes.

Memorials, Recognition -- Clarksville Garden Club, 90th anniversary.

Senate Resolution No. 22 by Senator Gresham.

Memorials, Professional Achievement -- Sarah Allison, McNairy County Teacher of the Year.

Senate Resolution No. 23 by Senator Gresham.

Memorials, Death -- Clinton Davis Gooch.

MOTION

Senator Ketron moved, pursuant to Rule 21, **House Joint Resolutions Nos. 124, 126, 131 through 134 and 136 through 148**; and **Senate Joint Resolution No. 127** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 124 -- Memorials, Death -- Nina Lou May Jones.

The Speaker announced that he had referred House Joint Resolution No. 124 to the Committee on Calendar.

House Joint Resolution No. 126 -- Memorials, Sports -- Soddy Daisy High School cheerleaders, National Cheerleading Champions.

The Speaker announced that he had referred House Joint Resolution No. 126 to the Committee on Calendar.

House Joint Resolution No. 131 -- Memorials, Recognition -- Goodlettsville Chamber of Commerce, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 131 to the Committee on Calendar.

House Joint Resolution No. 132 -- Memorials, Public Service -- James Milam, White House Chamber of Commerce Volunteer of the Year.

The Speaker announced that he had referred House Joint Resolution No. 132 to the Committee on Calendar.

House Joint Resolution No. 133 -- Memorials, Public Service -- Fran Hutson, White House Chamber of Commerce Community Service Award.

The Speaker announced that he had referred House Joint Resolution No. 133 to the Committee on Calendar.

House Joint Resolution No. 134 -- Memorials, Public Service -- Doris "Granny" Sprecher.

The Speaker announced that he had referred House Joint Resolution No. 134 to the Committee on Calendar.

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House Joint Resolution No. 136 -- Memorials, Academic Achievement -- Cameron Beasley, Top Ten Graduate, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 136 to the Committee on Calendar.

House Joint Resolution No. 137 -- Memorials, Academic Achievement -- Chynna Helton, Top Ten Graduate (No.4), Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 137 to the Committee on Calendar.

House Joint Resolution No. 138 -- Memorials, Academic Achievement -- Chelsey Hensley, Top Ten Graduate, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 138 to the Committee on Calendar.

House Joint Resolution No. 139 -- Memorials, Academic Achievement -- Mary Anna Davis, Top Ten Graduate, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 139 to the Committee on Calendar.

House Joint Resolution No. 140 -- Memorials, Academic Achievement -- Brenton Atkins, Top Ten Graduate, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 140 to the Committee on Calendar.

House Joint Resolution No. 141 -- Memorials, Academic Achievement -- Katelan Kemler, Top Ten Graduate, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 141 to the Committee on Calendar.

House Joint Resolution No. 142 -- Memorials, Academic Achievement -- Mashaya Hinson, Top Ten Graduate, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 142 to the Committee on Calendar.

House Joint Resolution No. 143 -- Memorials, Academic Achievement -- Sheridan Brewer, Valedictorian, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 143 to the Committee on Calendar.

House Joint Resolution No. 144 -- Memorials, Academic Achievement -- Courtney Christine Henderson, Top Ten Graduate, Lewis County High School.

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The Speaker announced that he had referred House Joint Resolution No. 144 to the Committee on Calendar.

House Joint Resolution No. 145 -- Memorials, Academic Achievement -- Emily Ann Eglinton, 2011 Salutatorian, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 145 to the Committee on Calendar.

House Joint Resolution No. 146 -- Memorials, Recognition -- Tiffany Smith, 2011 Mule Day Queen.

The Speaker announced that he had referred House Joint Resolution No. 146 to the Committee on Calendar.

House Joint Resolution No. 147 -- Memorials, Recognition -- Barbara Hamilton, Germantown Lions Club 2010 Citizen of the Year.

The Speaker announced that he had referred House Joint Resolution No. 147 to the Committee on Calendar.

House Joint Resolution No. 148 -- Memorials, Recognition -- Rotary Club of Smyrna, 40th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 148 to the Committee on Calendar.

Senate Joint Resolution No. 127 -- Constitutional Amendments -- Proposes new provision to Article I to provide that nothing in the Constitution of Tennessee secures or protects right to abortion or requires the funding of an abortion; states that the people retain the right through their elected State Representatives and State Senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother.

The Speaker announced that he had referred Senate Joint Resolution No. 127 to the Committee on Judiciary.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 125 -- Memorials, Public Service -- Kaitlyn Fox, 2011 Prudential Spirit of Community Award.

Senate Joint Resolution No. 126 -- Memorials, Recognition -- Dr. Jim Osborn, 2011 Tennessee Medical Association's Distinguished Service Award.

Senate Resolution No. 20 -- Memorials, Academic Achievement -- Benjamin Kulas, winner of Middle Tennessee 2011 Regional Spelling Bee.

Senate Resolution No. 21 -- Memorials, Recognition -- AT&T Volunteers Sparkling Green Clean Tennessee.

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House Joint Resolution No. 113 -- Memorials, Academic Achievement -- Jerry Clifton Sullivan, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 114 -- Memorials, Academic Achievement -- Tosha Edens, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 115 -- Memorials, Academic Achievement -- Cody Silvers, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 116 -- Memorials, Academic Achievement -- Hailee Marie Parks, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 117 -- Memorials, Academic Achievement -- Emily Newman, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 118 -- Memorials, Academic Achievement -- Megan Lee Woodby, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 119 -- Memorials, Academic Achievement -- Alyson Johnson, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 120 -- Memorials, Academic Achievement -- Logan Delph, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 121 -- Memorials, Academic Achievement -- Andrew Long, Top Ten Graduate, Cherokee High School.

House Joint Resolution No. 122 -- Memorials, Academic Achievement -- Casey Ryans, Top Ten Graduate, Cherokee High School.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 24 -- Taxes, Sales -- As introduced, extends limited sales tax refund for certain appliances, furniture, and building supplies purchased in response to May 2010 flood. Amends TCA Section 67-6-396.

Senate Bill No. 58 -- Special License Plates -- As introduced, extends time period for additional year for Memphis Rock 'n' Soul new specialty earmarked plates to meet initial issuance requirements. Amends TCA Title 55, Chapter 4.

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Senate Bill No. 66 -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked plate for adoption; allocates revenue from such plates to the Adoption Foundation of Tennessee, Inc. and to Harmony Adoptions of Tennessee, Inc. Amends TCA Title 55, Chapter 4.

Senate Bill No. 135 -- Highway Signs -- As introduced, designates bridge on U.S. Highway 64 in Lincoln County as "William R. Carter Memorial Bridge".

Senate Bill No. 268 -- Highway Signs -- As introduced, provides for erection of directional signs for Children's Holocaust Memorial at Whitwell Middle School on Interstate 24 in Marion County.

Senate Bill No. 410 -- Highway Signs -- As introduced, designates segment of State Highway 109 in Sumner County as "Tommy Marlin Highway".

Senate Bill No. 453 -- Highway Signs -- As introduced, designates segment of State Route 53 in Gainesboro and Jackson County as "William Benson 'Ben' Wooten II Memorial Highway".

On motion, Senate Bill No. 453 was made to conform with **House Bill No. 426**.

On motion, House Bill No. 426, on same subject, was substituted for Senate Bill No. 453.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

A motion to reconsider was tabled.

CALENDAR

Madam Speaker Pro Tempore Woodson moved that **Senate Bill No. 293** be placed at the heel of the Calendar for today, which motion prevailed.

Senate Bill No. 495 -- Highway Signs -- As introduced, designates segment of U.S. Highway 70 in metropolitan Nashville as "THP Col. Elmer V. Craig Memorial Highway".

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language to the end of Section 2 of the printed bill:

One such sign or marker shall be erected eastbound on U.S. Highway 70 at or near the Tennessee Law Enforcement Academy located at 3025 Lebanon Road, Nashville, Tennessee.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 495**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--31.

A motion to reconsider was tabled.

Senate Bill No. 1811 -- Public Utilities -- As introduced, increases maximum amount of the allowance that may be provided to members of boards of public utilities. Amends TCA Title 7, Chapter 52, Part 1.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-54-110(e), is amended by adding the following language after the first sentence of the subsection:

On or after July 1, 2011, the allowance may be increased to an amount not to exceed three hundred dollars (\$300) per month for attendance at meetings.

SECTION 2. Tennessee Code Annotated, Section 7-54-110(f), is amended by adding the following language after the first sentence of the subsection:

On or after July 1, 2011, the additional allowance may be increased to an amount not to exceed fifty dollars (\$50.00) for each additional utility system and a maximum allowance not to exceed one hundred fifty dollars (\$150) per month.

SECTION 3. Tennessee Code Annotated, Section 7-52-110(f), is further amended by deleting the language "§ 7-52-111" and by substituting instead "§§ 7-52-111, 7-52-401 and 7-52-601".

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Yager moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "Section 7-54-110(e)" in Section 1 of the bill as amended by Senate Amendment #1 and substituting instead the language "Section 7-52-110(e)".

AND FURTHER AMEND by deleting the language "Section 7-54-110(f)" in Section 2 of the bill as amended by Senate Amendment #1 and substituting instead the language "Section 7-52-110(f)".

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1811**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

Senator present and not voting was: Marrero--1.

A motion to reconsider was tabled.

Senate Bill No. 807 -- Census -- As introduced, requires utilization of census 2010 geography in establishment or alteration of precincts after March 1, 2011. Amends TCA Section 2-3-102.

Senate Bill No. 807 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--31.

A motion to reconsider was tabled.

Senate Bill No. 336 -- University of Tennessee -- As introduced, authorizes the University of Tennessee to enter into certain agreements with foundations that support the university. Amends TCA Title 49, Chapter 9, Part 1.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-9-__.

(a) The University of Tennessee board of trustees is expressly authorized and empowered to designate one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university, to receive and hold private gifts for support of the university unless the donor has specifically directed in writing that a gift be received and held by the university.

(b) The University of Tennessee is expressly authorized and empowered to enter into a fee-for-services agreement with one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university, under which the foundation will provide development and alumni services for the university. An agreement for services under this subsection shall be subject to the prior approval of the University of Tennessee board of trustees and to all prior approvals required by state laws, rules, or regulations.

(c) The University of Tennessee is expressly authorized and empowered to enter into an agreement to lease university employees to one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university, to carry out the mission of the foundation, including but not limited to providing development and alumni services for the university. Employees leased under the authority of this subsection shall remain eligible for participation in all university benefit programs for which they are otherwise eligible. An agreement for the lease of employees under the authority of this subsection shall be subject to the prior approval of the University of Tennessee board of trustees and to the prior approval of the attorney general and reporter as to form and legality.

(d) The University of Tennessee is expressly authorized and empowered to enter into a fee-for-services agreement to provide services, including, but not limited to, human resources services, information technology services, and accounting and financial services, to one (1) or more foundations established to support the university, pursuant to § 49-7-107, or any existing foundation created to support a campus of the university.

(e) Nothing in this section shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the state, the university or any officer or employee of the state or the university or to deprive any officer or employee of the state or university of any other immunity to which the officer or employee is otherwise entitled under state law.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Senator Gresham moved that **Senate Bill No. 336**, as amended, be placed at the heel of the Calendar for today, which motion prevailed.

Senator Overbey moved that **Senate Bill No. 484** be placed on the Calendar for Thursday, March 24, 2011, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 922** be placed on the Calendar for Thursday, March 24, 2011, which motion prevailed.

Senator Watson moved that **Senate Bill No. 335** be placed on the Calendar for Thursday, March 24, 2011, which motion prevailed.

Senate Bill No. 98 -- Safety -- As introduced, removes requirement that alarm system monitoring companies perform alarm verifications prior to requesting law enforcement be dispatched to pharmacies. Amends TCA Title 62, Chapter 32, Part 3.

Senate Bill No. 98 passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

A motion to reconsider was tabled.

Senate Bill No. 293 -- Emergency Communications Districts -- As introduced, prohibits the transfer to the general fund of interest derived from the 911 Emergency Communications Fund as well as the fund itself. Amends TCA Section 4-3-1016 and Title 7, Chapter 86, Part 3.

Senator Haynes declared Rule 13 on **Senate Bill No. 293**.

Senate Bill No. 293 passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

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FURTHER ACTION ON SENATE BILL NO. 336, AS AMENDED

Senator Gresham moved that **Senate Bill No. 336**, as amended, be placed on the Calendar for Monday, March 21, 2011, which motion prevailed.

MOTION

Senator Ketron moved that the Proposed Schedule, as amended, for the week of March 21, 2011, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MARCH 21, 2011**

MONDAY – March 21

5:00 p.m. Session – Senate Chamber

TUESDAY – March 22

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – March 23

8:30 a.m. – 10:00 a.m.	Education Committee
10:00 a.m. – 11:30 a.m.	General Welfare, Health & Human Resources Committee
11:30 a.m. – 12:30 p.m.	Lunch
12:30 p.m. – 2:00 p.m.	Transportation Committee
2:00 p.m. – 3:00 p.m.	Environment, Conservation & Tourism Committee
3:00 p.m. – 5:00 p.m.	Government Operations Committee

THURSDAY – March 24

9:00 a.m. Session – Senate Chamber

NOTE: Council on Pensions and Insurance, Monday, March 21, 2011, at 1:00 p.m., Room 29 LP.

Joint Government Operations State and Local Subcommittee, Monday, March 21, 2011, at 1:30 p.m., Room 12 LP.

Ad Hoc Committee on Senate District 15 Election Contest, Monday, March 21, 2011, 2:00 p.m., Room 31 LP.

Pre-Commerce meeting, Tuesday, March 22, 2011, at 7:30 a.m., in 12 LP.

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Council on Pensions and Insurance, Thursday, March 24, 2011, at 8:15 a.m., Suite 19 LP Conference Room.

Committee on Rules, Thursday, March 24, 2011, at 10:30 a.m., Speaker's Conference Room.

RECALL OF BILL

On motion of Senator Ketron, **Senate Bill No. 1761** was recalled from the Committee on Judiciary.

WITHDRAWAL OF BILL

On motion of Senator Ketron, Senate Bill No. 1761 was withdrawn from the Senate.

MOTION

On motion of Senator Kyle, his name was added as sponsor of **Senate Joint Resolution No. 126**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 113, 114, 115, 116, 117, 118, 119, 120, 121 and 122**.

On motion of Senators Ford, Marrero, Kyle, Finney and Barnes, their names were added as sponsors of **Senate Bill No. 24**.

On motion of Senators Ford and Marrero, their names were added as sponsors of **Senate Bill No. 58**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 66**.

On motion of Senator Haynes, his name was added as sponsor of **Senate Bill No. 410**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bill No. 293**.

On motion of Senators Finney and Berke, their names were added as sponsors of **Senate Bill No. 336**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bills Nos. 16, 354, 1160 and 1523**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bill No. 1780**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 329**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bill No. 1256 and 1776**.

On motion of Senator Tracy, his name was added as prime sponsor of **Senate Bill No. 1562**.

On motion of Senator Ketron, his name was removed as sponsor of **Senate Bill No. 1562**.

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On motion of Senator Gresham, her name was added as prime sponsor of **Senate Bill No. 1361**.

ENGROSSED BILLS

March 17, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 24, 58, 66, 98, 135, 268, 293, 410, 495, 807 and 1811; and Senate Joint Resolutions Nos. 125, 126 and 128; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 302, 306, 596, 1654 and 1739; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 149, 150, 152, 153, 154, 155, 157, 158 and 159; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 87, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 288, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 519 and 1467, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 121, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

March 17, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 87, 288, 519 and 1467; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 17, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 121, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 17, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 20 and 21, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 113, 114, 115, 116, 117, 118, 119, 120, 121 and 122; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

March 17, 2011

The Speaker announced that he had signed the following: Senate Joint Resolution No. 121.

SIGNED

March 17, 2011

The Speaker announced that he had signed the following: Senate Resolutions Nos. 20 and 21.

SIGNED

March 17, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 113, 114, 115, 116, 117, 118, 119, 120, 121 and 122.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 334, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 121, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 17, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 334; and Senate Joint Resolution No. 121; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE GOVERNOR

March 17, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 34; and Senate Joint Resolutions Nos. 89, 105 and 116; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 18, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 79, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 21, 2011: House Joint Resolutions Nos. 124, 126, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148.

This the 17th day of March, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 21, 2011: Senate Bills Nos. 538, 628, 638, 739, 761, 773, 856, 935, 999, 1227, 1497, 1532, 1874 and 1880.

This the 17th day of March, 2011.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 21, 2011: Senate Bills Nos. 161, 202, 379, 505, 829, 850, 861, 1050, 1192, 1531 and 336.

This the 17th day of March, 2011.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Ketron moved the Senate adjourn until 5:00 p.m., Monday, March 21, 2011, which motion prevailed.